

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY ALAN DULEY,

Defendant.

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Case No. CR-21-114-C

ORDER

Now before the Court is the Unopposed Motion of Defendant Timothy Alan Duley for a continuance of the jury trial scheduled August 10, 2021. The Court finds the motion should be granted. The Speedy Trial Act gives this Court the discretion to “accommodate limited delays for case-specific needs.” *Zedner v. United States*, 547 U.S. 489, 499 (2006). The Court finds the denial of the motion under the facts of this case would unreasonably deny the defendant an opportunity to enter his plea of guilty with his retained counsel present in light of the facts set forth in the Unopposed Motion to Continue Jury Trial.

The specific facts of this case justify an ends-of-justice determination that a continuance to the September 2021 trial docket “outweighs the best interest of the public and the defendant in a speedy trial.” *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009), *citing* Tit. 18 U.S.C. §3161(h)(7)(A). The period of delay caused by the granting of the motion to continue on this ground is excludable for purposes of the Speedy Trial Act. See 18 U.S.C. §3161(h)(7)(B)(iv).

Accordingly, the Court GRANTS the Defendant’s Unopposed Motion to Continue

Jury trial (Doc. No. 22), STRIKES this case from the Court's August 10, 2021, trial docket, and RESETS this case on the Court's September 2021 trial docket. All pre-trial filing deadlines are extended accordingly.

IT IS SO ORDERED this 28th day of July, 2021.



ROBIN J. CAUTHRON
United States District Judge